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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,139	10/12/2000	John J. Sie	19281-001100US	1027

20350 7590 11/02/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,139

Applicant(s)

SIE ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (U.S. Patent No. 5,734,853) in view of Cobbley et al. (U.S. Patent 5,614,940).

Regarding claim 1, Hendricks discloses "a method for distributing programming" (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming), the method comprising:

"transmitting a first set of program segments according to a schedule of programming", i.e., a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program "Discovery channel choice" from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of "War birds", not an entire program, can be displaying as a preview to the user with its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed);

"storing a second set of program segments on a server, at least one of the first set of program segments having a counterpart in the second set of program segments", i.e., the corresponding program related to the first program segment (regarding as "a counterpart") which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38);

“maintaining a database that records user authorizations to program segments on the server; detecting a request from a user for control of a particular program segment; and determining whether to grant control to the user”, i.e., either the server 208 includes a network controller 214 for monitoring and detecting the user requests as well as keeping track of records in authorization or granting control of program segments on the server or storage of the headend for billing purposes (col. 10/line 23 to col. 11/line 9) or the set top terminal served as the server containing data, detecting, tracking programs that keeps track the user records and reports all of these data to cable headend via an upstream link (col. 17/lines 24-38).

Hendricks does not further mention to provide control to the user in a manner that “to manipulate progression of the particular program segment to the user” as pre-amended; however, this simple technique of further providing a window video/audio player for the user to preview or view a segment or portion of the broadcasting program in a way to manipulate the progression of the particular program, i.e., whether to play, stop, pause or rewind or fast forward, is already taught by Cobbley (see Cobbley, Figs. 1 &2, and col. 10/line 7 to col. 12/line 55 for further details on manipulating program segments from the broadcast source 105, with all the options to the user in controlling the manipulating for play, pause, jump to next program, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks’ system with a known feature as taught by Cobbley in order to provide the user a flexibility or an option to control or manipulate the progression of a particular program segment at the user’s convenience at ease for personal viewing enjoyment, and this serves as a motivation for the modification as suggested by Cobbley in the cited paragraphs.

As for claim 2, in view of claim 1 for the teaching of Cobbley, Hendricks further discloses wherein determining whether to grant control to manipulate progression of the particular program segment to the user comprises: identifying the particular program segment; and determining whether the particular program segment has a counterpart stored on the server", i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 3, in view of claim 2 for the teaching of Cobbley, Hendricks further discloses wherein determining whether to grant control to manipulate progression of the particular program segment to the user further comprises "ascertaining whether the user is authorized to access the counterpart to the particular program segment from the server", i.e., the system can determine whether to authorize the user request for accessing the counterpart to the storage (the server either at the headend or at the set top terminal) or the related program information (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program).

As for claim 4, in view of claim 1, Hendricks further addresses wherein determining whether to grant control to manipulate progression of the particular program segment to the user comprises: "identifying the particular program segment; and ascertaining whether the user is authorized to access the counterpart to the particular program segment from the server", i.e.,

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identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the set top terminal).

As for claim 5, in view of claim 1, Hendricks further discloses wherein detecting the request from the user for control to manipulate progression of the particular program segment to of the particular program segment comprises "receiving a wireless program-control request from a remote control", i.e., wireless control request from a remote control for controlling the set top terminal is addressed (Fig. 3, item 900, and col. 12/line 53 to col. 13/line 12 for a remote control).

As for claim 6, in view of claim 1, Hendricks further discloses comprising granting permanent control to manipulate progression of the particular program segment to the user", i.e., depending on situations, the system can authorize the subscribers to access the particular program permanently such as weekly or monthly basis (col. 39/lines 25-34).

As for claim 7, in view of claim 6, Hendricks further inherently suggests wherein granting permanent control to manipulate progression of the particular program segment to the user comprises "storing the particular program segment on the server indefinitely", i.e., because the information related to the particular program segment is stored in a server (or storage) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top

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terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38); and as in claim 6, the system can authorize the subscribers to access the particular program permanently such as weekly or monthly basis (col. 39/lines 25-34); it indicates that either the headend or the set top terminal is capable of storing the information indefinitely for the subscriber to access on a weekly basis or a monthly basis.

As for claim 8, in view of claim 6, Hendricks further inherently discloses wherein granting permanent program control to manipulate progression of the particular program segment to the user comprises "granting permission to the user to copy the particular program segment from the server", i.e., a VCR is connected to the set top terminal and the set top terminal can automatically program or operate the VCR (col. 11/lines 25-38) and as long as the user is a subscriber (authorized user), the user can access to the particular many times they prefer to (col. 39/lines 25-33); thus, it indicates that the system grants permission to the user to copy over the particular program segment from the server (namely, the set top terminal).

As for claim 9, in view of claim 1, Hendricks further discloses "wherein the particular program segment comprises one of a video program and an audio program", i.e., programs are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with "on the fly programming" such as interactive television services, split screen video and different languages for the same video-means a program with video and audio (col. 10/lines 6-57).

Regarding claim 10, Hendricks discloses “a method for distributing video programming” (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming) the method comprising:

“storing a set of video program segments on a server”, i.e., video program segments are stored in a server (or storage) within the cable headend 208 as for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38);

“preauthorizing a user to have control over a subset of the video program segments to establish a preauthorization scheme”, i.e., the system can determine whether to authorize the user request as “preauthorizing” for accessing the counterpart or the related to program information or over a subset of the video program segments (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program as a subset of the video program segments-regarding here as a portion of preview video as discussed earlier in claim 1);

“detecting a request from the user for control of a particular video program segment; and granting control to the user of the particular video program segment in accordance with the preauthorization scheme”, i.e., the set top terminal served as the server containing data, tracking programs that keeps track the user records and reports all of these data to cable headend via an upstream link (col. 17/lines 24-38).

Hendricks does not further mention to provide control to the user in a manner that “to manipulate progression of the particular program segment to the user” as pre-amended; however, this simple technique of further providing a window video/audio player for the user to preview or view a segment or portion of the broadcasting program in a way to manipulate the progression of the particular program, i.e., whether to play, stop, pause or rewind or fast forward, is already taught by Cobbley (see Cobbley, Figs. 1 & 2, and col. 10/line 7 to col. 12/line 55 for further details on manipulating program segments from the broadcast source 105, with all the options to the user in controlling the manipulating for play, pause, jump to next program, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks’ system with a known feature as taught by Cobbley in order to provide the user a flexibility or an option to control or manipulate the progression of a particular program segment at the user’s convenience at ease for personal viewing enjoyment, and this serves as a motivation for the modification as suggested by Cobbley in the cited paragraphs.

As for claim 11, in view of claim 10, Hendricks further discloses “wherein the subset of the program segments is the set of program segments”, i.e., the subset of an order program segment by using a submenu is the set of program segments because they are related information (col. 38/line 52 to col. 39/line 24).

As for claim 12, in view of claim 10 and the teaching of Cobbley, Hendricks further discloses wherein detecting the request from the user for control to manipulate progression of the particular program segment comprises “receiving a wireless program-control request”, i.e., wireless program-control request from a remote control for the set top terminal is addressed (Fig. 3, item 900, and col. 12/line 53 to col. 13/line 12 for a remote control).

As for claim 13, in view of claim 10, Hendricks further discloses “wherein the server is local to the user”, i.e., the set top terminal serving as a server for storage, data tracking, program and menu distribution is considered to be local to the user or at the user's side (Figs. 3, 5a, 6a-6b, and col. 17/lines 24-38).

As for claim 14, in further view of claim 13, Hendricks further discloses “wherein the server is located on a set-top box”, i.e., the set top terminal serving as a server can be used for storage of programs from the headend and other menu, any other program information containing video, graphics, program logic and text (col. 11/line 39 to col. 12/line 45 & col. 17/lines 24-38).

Regarding claim 15, Hendricks discloses “a method for distributing programming, the method comprising:

“transmitting a first set of program segments according to a schedule of programming”, i.e., see Figs. 1 & 3, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming; and a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program “Discovery channel choice” from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of & “War birds” not an entire program, can be displaying as a preview to the user with its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12c and col. 31/lines 30-45 for a preview technique addressed);

“storing a second set of program segments on a server, at least one of the first set of program segments having a counterpart in the second set of program segments”, i.e., the corresponding program related to the first program segment (regarding as “a counterpart”) which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38);

preauthorizing a user to have control over program segments on the server to establish a preauthorization scheme”, i.e., the system can determine whether to authorize the user request as “preauthorizing” for accessing the counterpart or the related program information or over a subset of the video program segments (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program as a subset of the video program segments-regarding here as a portion of preview video as discussed earlier in claim 1);

“maintaining a database that records user authorizations to program segments on the server; detecting a request from a user for control of a particular program segment; and determining whether to grant control to the user in accordance with the preauthorization scheme”, i.e., either the server 208 includes a network controller 214 for monitoring and

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detecting the user requests as well as keeping track of records in authorization or granting control of program segments on the server or storage of the headend for billing purposes (col. 10/line 23 to col. 11/line 9) or the set top terminal served as the server containing data, detecting, tracking programs that keeps track the user records and reports all of these data to cable headend via an upstream link (col. 17/lines 24-38).

Hendricks does not further mention to provide control to the user in a manner that "to manipulate progression of the particular program segment to the user" as pre-amended; however, this simple technique of further providing a window video/audio player for the user to preview or view a segment or portion of the broadcasting program in a way to manipulate the progression of the particular program, i.e., whether to play, stop, pause or rewind or fast forward, is already taught by Cobbley (see Cobbley, Figs. 1 & 2, and col. 10/line 7 to col. 12/line 55 for further details on manipulating program segments from the broadcast source 105, with all the options to the user in controlling the manipulating for play, pause, jump to next program, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks' system with a known feature as taught by Cobbley in order to provide the user a flexibility or an option to control or manipulate the progression of a particular program segment at the user's convenience at ease for personal viewing enjoyment, and this serves as a motivation for the modification as suggested by Cobbley in the cited paragraphs.

Regarding claim 16, Hendricks discloses "a system for distributing programming" (Fig. 3, and col. 9/line 58 to col. 10/line 42 for an overview of the system), the system comprising:

“a transmitter configured to transmit a first set of program segments according to a program schedule”, i.e., signal processor 209 within the cable headend serves as a transmitter in transmitting or distributing programs and program segments to the user via link 216 (Fig. 3, and col. 9/line 65 to col. 10/line 1) and a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program “Discovery channel choice” from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of “War birds” not an entire program, can be displaying as a preview to the user with its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed);

“a server configured to store a second set of program segments, at least one of the first set of program segments having a counterpart in the second set of program segments”, i.e., the corresponding program related to the first program segment (regarding as “a counterpart”) which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored in a server (or storage) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38);

“a database configured to record user authorizations to program segments on the server”, i.e., either the headend 208 regarding as a database includes a network controller 214 for monitoring and detecting the user requests as well as keeping track of records in authorization or granting control of program segments on the storage of the headend for billing purposes (col. 10/line 23 to col. 11/line 9) or the set top terminal served as the database containing data, detecting, tracking programs that keeps track the user records and reports all of these data to cable headend via an upstream link (col. 17/lines 24-38 with illustrations of Fig. 4b, Table A, Table B, Table C of column 15-16 as examples for data storing as a database format);

“a detector configured to detect a request from a user for control of a particular program segment”, i.e., a remote control interface 626 served as a detector in detecting a request from a user for program control of a particular program segment (Fig. 5b/item 626; and Fig. 3, item 900, and col. 12/line 53 to col. 13/line 12 for a remote control); and

“a control system in communication with the transmitter, the server, the database, and the detector, the control system being configured to operate the transmitter, the server, the database, and the detector to provide control of program segments on the server to the user in accordance with a predetermined authorization scheme”, i.e., network controller 214 within the headend 208 correlates the signal processor (regarding as the transmitter), the set top terminal (regarding as the server and contains databases) and the remote control interface (regarding as the detector), and it performs these functions in providing control of program segments to the user in a timely fashion manner according to a predetermined authorization scheme, for instance, the system can determine whether to authorize the user request as “preauthorizing” for accessing the counterpart or the related program information or over a subset of the video program segments (col. 38/line

61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program as a subset of the video program segments-regarding here as a portion of preview video as discussed earlier in claim 1).

Hendricks does not further mention to provide control to the user in a manner that “to manipulate progression of the particular program segment to the user” as pre-amended; however, this simple technique of further providing a window video/audio player for the user to preview or view a segment or portion of the broadcasting program in a way to manipulate the progression of the particular program, i.e., whether to play, stop, pause or rewind or fast forward, is already taught by Cobbley (see Cobbley, Figs. 1 &2, and col. 10/line 7 to col. 12/line 55 for further details on manipulating program segments from the broadcast source 105, with all the options to the user in controlling the manipulating for play, pause, jump to next program, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks’ system with a known feature as taught by Cobbley in order to provide the user a flexibility or an option to control or manipulate the progression of a particular program segment at the user’s convenience at ease for personal viewing enjoyment, and this serves as a motivation for the modification as suggested by Cobbley in the cited paragraphs.

As for claim 17, in view of claim 16, Hendricks further discloses “wherein the control system is configured to identify the particular program segment and to determine whether the particular program segment has a counterpart stored on the server”, i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b,

col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 18, in view of claim 17, Hendricks further discloses “wherein the control system is further configured to ascertain whether the user is authorized to access the counterpart to the particular program segment from the server in accordance with the predetermined authorization scheme”, i.e., the system can determine whether to authorize the user request for accessing the counterpart to the storage (the server either at the headend or at the set top terminal) or the related program information (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a routine to check for authorizing an order from the user for a particular program).

As for claim 19, in view of claim 16, Hendricks further discloses “wherein the control system is configured to identify the particular program segment and to ascertain whether the user is authorized to access the counterpart to the particular program segment from the server in accordance with the predetermined authorization scheme”, i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using routines (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 20, in view of claim 16, Hendricks further discloses “wherein the particular program segment comprises one of a video program and an audio program”, i.e., programs are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with “on the fly programming” such as interactive television services, split screen video and different languages for the same video-means a program with video and audio (col. 10/lines 6-57).

Regarding claim 21, Hendricks discloses “a computer-readable storage medium having a computer-readable program embodied therein for directing operation of a programming distribution system including a transmitter, a server, a database, a detector and a control system configured to provide control of program segments on the server, the computer-readable program including instructions for operating the programming-distribution system in accordance with the following: transmitting a first set of program segments with the transmitter according to a schedule of programming; storing a second set of program segments on the server, at least one of the first set of program segments having a counterpart in the second set of program segments; maintaining on the database a record of user authorizations to program segments on the server; and detecting a request from a user for control of a particular program segment” (see claim 16, with menu sequence software and turbo card software and their software routines for operating the entire system (col. 27/line 8 to col. 33/line 26), the system offers a computer-readable storage medium having a computer-readable program embodied therein for directing operation of a programming distribution system as already disclosed above).

Hendricks does not further mention to provide control to the user in a manner that “to manipulate progression of the particular program segment to the user” as pre-amended; however, this simple technique of further providing a window video/audio player for the user to preview or view a segment or portion of the broadcasting program in a way to manipulate the progression of the particular program, i.e., whether to play, stop, pause or rewind or fast forward, is already taught by Cobbley (see Cobbley, Figs. 1 &2, and col. 10/line 7 to col. 12/line 55 for further details on manipulating program segments from the broadcast source 105, with all the options to the user in controlling the manipulating for play, pause, jump to next program, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks’ system with a known feature as taught by Cobbley in order to provide the user a flexibility or an option to control or manipulate the progression of a particular program segment at the user’s convenience at ease for personal viewing enjoyment, and this serves as a motivation for the modification as suggested by Cobbley in the cited paragraphs.

As for claim 22, in view of claim 21, Hendricks further discloses wherein the computer-readable program further includes instructions for operating the programming distribution system in accordance with determining whether to grant control to manipulate progression of the particular program segment to the user”, i.e., the system can determine whether to authorize or grant the user request for accessing the system as in Fig. 11c, col. 29/lines 24-47, it shows an example of a routine to check for authorizing an order from the user for a particular program as a subset of the video program segments.

As for claim 23, in view of claim 22, Hendricks further discloses wherein the instructions for operating the programming-distribution system in accordance with determining whether to grant control to manipulate progression of the particular program segment to the user include instructions for identifying the particular program segment; and instructions for determining whether the particular program segment has a counterpart stored on the server", i.e., identifiers are assigned to programs and events for programming control effectively, by using these codes, the network controller easily assigns or determines which particular (second) program segment is related to the (first) request program on the server either at the headend or at the set top terminal (Fig. 4b, col. 14/line 65 to col. 16/line 58) using computer routines with instructions (as illustrated in Figs. 11a-11c for requesting and selecting a program segment or an event from the headend to the terminal).

As for claim 24, in view of claim 23, Hendricks discloses wherein the instructions for operating the programming-distribution system in accordance with determining whether to grant control to manipulate progression of the particular program segment to the user further include "instructions for ascertaining whether the user is authorized to access the counterpart to the particular program segment from the server", i.e., the system can determine whether to authorize or grant the user request for accessing the counterpart or the related program information or over a subset of the video program segments (col. 38/line 61 to col. 39/line 48; and Fig. 11c, col. 29/lines 24-47 shows an example of a computer routine with instructions to check for authorizing an order from the user for a particular program as a subset of the video program segments-regarding here as a portion of preview video as discussed earlier in claim 1).

As for claim 25, in view of claim 21, Hendricks further discloses "wherein the particular program segment comprises one of a video program and an audio program", i.e., programs are received from various external sources 212 (Fig. 2) including video programs and audio programs (col. 7/line 65 to col. 8/line 3) and from local programming/advertisements with "on the fly programming" such as interactive television services, split screen video and different languages for the same video-means a program with video and audio (col. 10/lines 6-57).

As for claim 26, in view of claim 22, Hendricks discloses wherein the instructions for operating the programming-distribution system in accordance with determining whether to grant control to manipulate progression of the particular program segment to the user include "instructions for identifying the particular program segment; and instructions for ascertaining whether the user is authorized to access the counterpart to the particular program segment from the server" (see claim 19 above).

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park IV, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal line extending from the end of the signature.

**KRISTA BUI
PATENT EXAMINER**

Krista Bui
Art Unit 2611
October 22, 2004